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COMMISSION ON HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 22nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 2 April 1996, at 10 a.m.

Chairman: Mr. VERGNE SABOIA (Brazil)

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(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

(c) PROGRAMME OF ACTION FOR THE PREVENTION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

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The meeting was called to order at 10.15 a.m.

RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD

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(c) PROGRAMME OF ACTION FOR THE PREVENTION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY, AS WELL AS THE BASIC MEASURES NEEDED FOR THEIR PREVENTION AND ERADICATION (agenda item 20)

1. Mr. AYALA-LASSO (High Commissioner for Human Rights), introducing the agenda item, said that the way in which a society treated its children reflected its moral values and its sense of justice and its commitment to the future. The promotion and protection of the rights of the child were essential elements in any policy of development, peace and justice. They had also been primary objectives of the General Assembly when, 50 years earlier, it had established the United Nations Children's Fund (UNICEF), which had since become the central pillar of all activities to assist children.

2. The Convention on the Rights of the Child was fast becoming the first absolutely universal human rights instrument, since it had already been ratified by 187 States. He appealed to the six remaining Member States to join that vast majority.

3. The rights of the child were applicable to all children wherever they lived and regardless of their historical, cultural and religious diversity. The promotion and protection of those rights was primarily the responsibility of Governments, but international cooperation and solidarity were essential if decisive progress was to be made in implementing them. The Convention had thus become the motor of international action to promote and protect the rights of the child. To make those rights universally effective, it was necessary to establish and consolidate a real alliance including United Nations agencies, particularly UNICEF, and the non-governmental organizations (NGOs).

4. Thanks to its innovative methods of work, the Committee on the Rights of the Child had become the catalyst for all activities concerned with the promotion and protection of the rights of the child, being in a position to identify problems, propose appropriate solutions and mobilize the resources of the international community to give effect to its recommendations.

5. As High Commissioner for Human Rights, he had given priority to the effective implementation of the rights of the child and had drawn up, in consultation with the Committee, a Plan of Action to strengthen the implementation of the Convention. The Plan of Action contained a section on the strengthening of the technical support provided to the Committee to enable

it to consider the reports submitted by States parties, to prepare and follow up recommendations and, where necessary, to draw up technical assistance programmes.

6. Since 1993, the Committee had considered over 50 reports submitted by States parties. The dialogue established with Governments had made it possible to pinpoint a whole range of measures to strengthen the implementation of the relevant standards and, in certain cases, the Committee had recommended recourse to technical assistance.

7. The Committee's recommendations on technical cooperation covered a wide range of activities from the preparation of reports to legal advice on bringing national legislation into line with the Convention's provisions. The recommendations also covered assistance to establish national institutions to protect the rights of the child and measures to improve the administration of juvenile justice, educate people in the rights of the child and disseminate information on the Convention. They were also concerned with the economic, social and cultural rights of the child, including the rights to nutrition, primary health care and basic education.

8. To follow up the recommendations, he had decided to organize, after each Committee session, an inter-agency consultation to be attended by members of the Committee, representatives of UNICEF and other United Nations agencies and programmes, NGOs, and representatives of the Centre for Human Rights. At the latest inter-agency consultation, participants had recommended that high-level meetings be held between representatives of the Committee and senior officials of the specialized agencies and other bodies to improve coordination and integrate the Committee's recommendations in daily work at the national level. It was particularly important that financial institutions should participate in the high-level meetings, and he intended to take the matter up with representatives of the major international and regional financial and development institutions.

9. The Plan of Action had been sent to all Heads of State or Government. The replies received so far had been very positive and had convinced him that funds should be allocated for its full implementation over an initial period of three years. He therefore intended to convene a pledging conference for the implementation of the Plan. He could rely upon the support of UNICEF, which had made an inestimable contribution to the work of the Committee, and he was ready to review the memorandum of understanding signed with that Fund with a view to improving cooperation between the two bodies. He hoped to sign similar agreements with all concerned agencies and bodies so that the rights of the child would be promoted and protected throughout the entire United Nations system.

10. Since its establishment, UNICEF had won many victories over hunger, disease, ignorance and violence. In 1990, the World Summit for Children had adopted precise targets for the reduction of child mortality, malnutrition, disease and illiteracy. UNICEF, in cooperation with Governments, had prepared strategies for attaining those targets, and its latest reports in that connection were encouraging.

11. In war after war, children became the innocent targets of conflicts. Over the past 10 years, some 2 million children had been killed in them, 4 to 5 million had been disabled, and 1 million had been orphaned or separated

from their parents. Some children underwent atrocious experiences. Moreover, at least half the 53 million refugees and displaced persons in the world were children. At the same time, the number of children who fought as soldiers, some voluntarily and others under constraint, was constantly increasing.

12. Another odious violation of children's rights was their sexual exploitation, which had recently acquired alarming proportions as a result of the opening of frontiers, the expansion of tourism, and the rapid development of communications, which had helped to spread such reprehensible activities. It was therefore necessary to intensify international efforts to combat them, and he was pleased to note the organization of the first world congress against the sexual exploitation of children, to be held at Stockholm from 27 to 31 August 1996.

13. Since 1990, the Special Rapporteur on the sale of children, child prostitution and child pornography had been making recommendations identifying priorities and strategies for future action. The question of children in armed conflicts had also been thoroughly studied by Mrs. Machel, in close cooperation with UNICEF. Moreover, two working groups of the Commission were preparing relevant optional protocols to the Convention, thereby testifying to the international community's commitment to put an end to such practices.

14. Mr. LEWIS (Deputy Executive Director of the United Nations Childrens Fund (UNICEF)), having informed the Commission that a text was being circulated outlining the Fund's views on the rights of the child, expressed full support for the High Commissioner's Plan of Action. The year 1996 was the fiftieth anniversary of both the Commission and UNICEF. For UNICEF, the anniversary was expressive of a dreadful symmetry: having been born out of the ashes of the Second World War, it was again struggling to protect children trapped in the inferno of military conflict.

15. However, acceptance of the rights of children had changed dramatically as a result of the World Summit for Children and the adoption of the Convention on the Rights of the Child. The former had set targets which the latter had then transformed into rights. Support for the Convention had become almost universal, and it was clear that it would be a guiding light for human rights in the coming century.

16. The world was therefore moving inevitably from ratification to implementation. Some 15 countries had incorporated the Convention into their national constitutions in whole or in part, while more than 35 had amended existing legislation to bring it into line with the Convention. Many countries had established new structures for securing compliance, with a much broader involvement of NGOs. Widespread judicial and penal reforms had been carried out to educate juvenile judges and others in children's rights. Information on the Convention had been widely disseminated, and there had been increased advocacy everywhere as people throughout the world affirmed the rights it set forth. Finally, a firm link had been established between the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.

17. As a result, areas of human want and deprivation had explicitly become inviolable human rights for all children and moral imperatives for Governments. In addition, pursuant to its article 4, the Convention had become a vehicle for international solidarity in which North helped South. In

his experience, the changes in the actual lives of children seemed to be driven by a combination of realism, pragmatism and idealism.

18. The principle of the indivisibility of the rights associated with the Convention was making a great impact. Enormous progress had been made in implementing the economic and social rights of children. For example, some two and a half million fewer children would die in 1996 than in 1990. Just as sceptics who had doubted that progress could be made with regard to the economic and social rights of children had been proved wrong, so would those who were sceptical about the protection of their civil and political rights, in respect of which UNICEF was beginning to assemble the data needed for the establishment of targets and indices.

19. There was a growing international consensus on the need to end the exploitation of child labour and, in that connection, he welcomed the conference which the Government of Norway would be convening in a few months' time. There was a similar international consensus on the heinous nature of the sexual exploitation of children, and UNICEF would participate in the congress on that subject which the Government of Sweden would be hosting at the end of August 1996.

20. The infamy of using children in combat roles must also be addressed. UNICEF therefore welcomed the expert study on the situation of children affected by armed conflicts which was to be presented to the General Assembly at the end of 1996. In any case, UNICEF would not cease its endeavours to raise the age at which children could be conscripted for military service, to ban anti-personnel land-mines, and to create "peace zones" for children.

21. At its most recent meeting in January 1996, the Executive Board of UNICEF had adopted a statement affirming that the Fund guided by the Convention on the Rights of the Child and would strive to establish children's rights as enduring ethical principles and international standards of behaviour towards children. UNICEF would be pursuing that objective in conjunction with Governments, NGOs, the Centre for Human Rights, the High Commissioner for Human Rights and, above all, with the Committee on the Rights of the Child, whose innovative and excellent efforts were to be applauded.

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS (agenda item 11) (continued) (E/CN.4/1996/70, E/CN.4/1996/NGO/50 and 63)

RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES (agenda item 16) (continued) (E/CN.4/1996/88, 129, 130; A/50/514)

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (agenda item 18) (continued) (E/CN.4/1996/95 and Add.1 and 2; E/CN.4/1996/Add.2/Corr.1; E/CN.4/1996/NGO/19 and 59)

22. Mr. MIOT (International Federation of Rural Catholic Movements) said that having preserved and protected nature for centuries, indigenous peoples considered any violation of the laws of nature or any destruction of the environment to be a sacrilege. However the exploitation of the land and forests by outside interests had changed their situation for the worse.

23. In Brazil, the Government was not committed to genuine agrarian reform. Members of indigenous populations had been harassed, injured or killed in the course of defending their rights. Large numbers had been forced to leave their lands and live in shanty towns around the major cities. Elsewhere in South America, the conflict between Peru and Ecuador had endangered the lives of more than 45,000 indigenous people.

24. In many Asian countries, the rights of indigenous peoples were violated on a large scale. In Bangladesh, an indigenous group had been dispossessed of the land on which it had been living for centuries. In Indonesia, indigenous people continued to live in fear. In Malaysia, exploitation of the land had left the indigenous population in extreme poverty. In Myanmar, members of the minorities had been subjected to ill-treatment, assassination or execution by the armed forces. Agrarian reform laws in the Philippines had made some indigenous groups squatters on their ancestral lands, and the lands of indigenous people in India had been invaded by outsiders.

25. The violators of the rights of indigenous peoples were often agents of the very Governments which were pledged to protect those rights. All States must cease all violations of the rights of indigenous people; and recognize their property rights over their ancestral lands and their distinct political, economic, social and cultural identity.

26. Ms. JIMENEZ RAMIREZ (Centre Europe - Tiers Monde) said that the events which had taken place since the uprising of the Ejército Zapatista de Liberación Nacional (EZLN) in January 1994 had drawn attention to the social, political and economic crisis in Mexico and had revealed the repressive nature of the ruling regime. As yet, no one had been assigned to conduct the planned inquiries, even where evidence had been gathered by the National Commission for Human Rights.

27. The peace process in Chiapas had taken a new turn in February 1995 when the Government had launched a new military offensive to apprehend presumed Zapatista leaders. That had led to further human rights violations, including arbitrary detentions, torture and executions, the displacement of more than 20,000 indigenous persons, and restrictions on freedom of movement in the State of Chiapas, in clear violation of the Government's pledge to seek a peaceful solution to the conflict.

28. Disputes over land ownership had increased tensions between the indigenous groups and the holders of economic and political power in the Chiapas region, giving rise to repressive measures. The situation had worsened with the appearance of armed civil groups, operating openly and with the backing of local and federal authorities. Those repudiating the official political party were being subjected to persecution.

29. During the peace negotiations and despite much rhetoric, the Government delegation had failed to demonstrate any political will to seek a genuine peace and had, furthermore, failed to come up with concrete solutions to the pressing problems of the autonomy, jurisdiction and land entitlements of indigenous populations, which were the root causes of the uprising.

30. Ms. WARLEDO (International Indian Treaty Council) said that despoiling the land and breaking the spiritual ties with natural elements was tantamount to violating the spirituality and undermining the identity of indigenous peoples, whose religious beliefs did not permit the destruction of natural resources.

31. There were numerous examples of such harmful use of the environment. The University of California was seeking to build on a sacred site in the village of Puvunga. After years of litigation, the San Carlos Apache tribe had won a court ruling under which the construction of three telescopes on a site sacred to the tribe, must comply with environmental and cultural protection laws. The Gros Ventre Nations in Montana had long been campaigning to defend the sacred Little Mountain area from transnational gold-mining operations. Five indigenous nations on the Colorado River in California were opposing efforts to locate a radioactive waste dump on sacred land. The village of Ekluntna in Alaska was struggling to save sacred burial grounds from commercial exploitation.

32. In British Columbia, the Canadian army and police had intimidated the Shuswap People as they gathered to protect their sacred grounds from desecration. The Aazhoodena Peoples of Ontario had been removed from their land in 1942 with promises that the land would be returned, a pledge that had never been fulfilled. The Maya peoples of Guatemala were emerging from centuries of social and religious intolerance; their identity as a people having been recognized only in March 1995 during the conclusion of the peace accords.

33. Mrs. GIRMA (African Association of Educators for Development) said that violations of the human rights of migrant workers in Europe were on the rise. The provisions of the 1951 Convention Relating to the Status of Refugees were also being systematically violated in many European countries. Such injustice only added to the plight of refugees who were already persecuted in their country of origin. The racist and xenophobic propaganda of certain political parties in Europe fed on the confusion between political and so-called economic refugees.

34. The plight of refugees in Africa was no better. They often lived in camps just across the border from the country they had fled. Their children had no access to education and knew only violence and hatred. Certain African countries did not hesitate to repatriate individuals with refugee status.

35. Religious extremism was on the rise as a result of irresponsible political action. Religious belief, a private matter, should never be used to incite people to hatred, because such actions unleashed violent emotions that could not be contained, but certain groups were busily undermining the possibility of intercultural harmony and breaking down all that was positive in the collective consciousness.

36. Africa must not let itself become destabilized by religious wars or the use of religion for political purposes. External powers might well be involved in the service of their own interests, which were not necessarily those of the African people, who needed above all to transcend the devastating cycle of civil wars.

37. Mr. SAFI (Muslim World League) said that there was a growing tendency to select certain groups in society, persecute them and then label them as extremists when they protested. Allegations of religious extremism and intolerance should not be used to justify or maintain illegal occupation of a territory. Any violations of an individual's physical integrity, freedom of thought, conscience and religion and any attacks on places of worship must be stopped by means of national legislation, international pressure and the promotion of a culture of human rights and tolerance.

38. Having spent several years in prison in Kashmir, he had not been surprised to learn that the planned visit to India of the Special Rapporteur on religious intolerance had not taken place. India had clearly a great deal to hide from the international community, both in its own country and in the territory of Jammu and Kashmir. Its claims of secularism and transparency were contradicted by the facts. The Indian Human Rights Commission was a farce, because it had no authority to investigate violations committed by armed and paramilitary forces.

39. The Indian authorities were planning the internal displacement of one religious community in Jammu and Kashmir in order to facilitate the genocide of the other community by the occupation forces. Despite the special status accorded to Jammu and Kashmir under the Indian Constitution, the "integral part" rhetoric had been heard continuously in the Commission and other forums.

40. He urged the international community to bring diplomatic and economic pressure to bear on India so that it would cease its reign of State terror and restore civil and political liberties to the people of Jammu and Kashmir.

41. Mr. AHMAD (World Muslim Congress) said that intolerance and discrimination based on religion were just as widespread as when the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief had been adopted in 1981. The media had begun, for example, to associate Islam regularly with words such as "fundamentalism", "terrorism" and "intolerance", thus creating an unconscious public prejudice against that religion.

42. The tragedy in Chechnya was a result of misplaced nationalism combined with political expediency. The Government of the Russian Federation portrayed the Chechens as thieves, robbers and terrorists and had been ruthless in its use of force against the civilian population of Chechnya. The international community's failure to condemn that situation was astounding.

43. The violation of the rights of the ethnic Albanians of Kosovo was also a result of misplaced nationalism, made worse by the failure of the international community to intervene. The Belgrade regime had violated and continued to violate all the rights mentioned in articles 1 to 4 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

44. The combination of pseudo-history, the caste system and Hindu fundamentalism had given rise to the current plight of minority peoples in India. The Muslims of India had experienced a calamitous social and political decline since the country had gained its independence. Muslims, who

represented 17 per cent of the population, had gradually become second-class citizens; the symbols of their culture and identity remained under attack and they continued to be victims of the police and security forces. The Indian electoral system should be amended so that Muslims and other minorities could send representatives to local, provincial and national legislatures. That would, over time, create the conditions under which the rights of minorities would be protected, without prejudice to the Hindu majority.

45. Mrs. SHAWL (All Pakistan Women's Association) said that, despite constitutional guarantees and national legislation, ethnic, religious and linguistic minorities were, in many parts of the world, suffering atrocities at the hands of the majority, backed by the State. Although the Constitution of India forbade discrimination on the basis of religious belief, military attacks on and the destruction of Sikh temples and Muslim mosques demonstrated the Government's contempt for non-Hindu religions.

46. Since independence, Hindu pogroms had resulted in the slaughter of thousands of Muslims, the latest such carnage being at the Shrine of Hazratbal in Srinagar on 29 March 1996. Such behaviour, and gross discriminatory practices in India itself and in the disputed State of Jammu and Kashmir, should be condemned by the international community, which should call for a resolution of the Kashmir issue in accordance with the aspirations of the people of that territory.

47. Mr. DECRITS (World Federation of Democratic Youth) said he wished to draw the Commission's attention to the human rights situation in Sind, a province of Pakistan, which was still under martial law despite a Government announcement to the contrary. Serious abuses such as harassment of political opponents, arbitrary arrests and detentions, rape and summary executions continued to be denounced by the thematic special rapporteurs and by many local and international human rights organizations. The civilian population of Sind, not least local human rights activists, continued to be exposed to unjustified reprisals and the natural resources of the province were being alienated and mercilessly exploited, with consequent mass displacement of people and unemployment.

48. It was noteworthy, in that connection, that Pakistan had not ratified the International Covenants on Human Rights or the Convention on the Elimination of All Forms of Discrimination Against Women and he urged the Government of Pakistan to ratify those instruments as soon as possible.

49. Ms. MOYA (American Association of Jurists), having welcomed the establishment of the Working Group on Minorities, said she wished to draw attention to the need for practical actions to protect the human rights of the descendants of African slaves in the Americas. They continued to be denied their rights and discriminated against in the social, economic and political fields. In the United States, the prisons were filled with blacks while, in Brazil, black street children were fair game for killers carrying out a kind of social cleansing. Blacks did not have access to high-level positions where crucial decisions affecting their environment and their lives were taken.

50. Despite the existence of sectoral studies and social and anthropological research, it was urgent to carry out a comprehensive study of the black communities in the Americas encompassing all aspects of their lives and Governments must be prevailed upon to commit themselves to eradicating discriminatory and exclusivist factors and tendencies from the social fabric.

51. At the intercontinental level, the system of discrimination and exclusion had led to massacres and exterminations which could not be stamped out without a serious commitment by the United Nations to eradicate poverty, social injustice and unequal terms of trade and to provide access to new technologies.

52. Ms. APPEL (Human Rights Advocates) said that, because of the reluctance of Member States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, massive violations of the rights of those persons continued to be perpetrated. A particularly serious instance was the continued existence of "sweatshop" conditions throughout the world garment industry, where both legal and illegal migrant workers, particularly women, were exploited. Specific cases had been documented in many countries, both developed and developing.

53. In view of the continuing violations of the rights of migrant workers throughout the world, and pending the coming into force of the Convention, the Commission must take action to protect those rights through the legal instruments already available such as the International Labour Organization conventions and the International Convention on the Elimination of All Forms of Racial Discrimination.

54. In addition, the Commission should ask the Secretary-General to gather information regarding the measures being taken by the various United Nations bodies and Member States to ensure that migrant workers' rights were being protected and submit to it his findings at its fifty-third session.

55. Mr. ROSSI (International Association for Religious Freedom) said that the Sub-Commission's commitment to investigating religious intolerance had diminished perceptibly since its decision to take up the topic biennially. That was unfortunate in view of the disturbing increase in intolerance prompted by religious extremism in recent years.

56. In countries such as Algeria and Israel, Muslim religious extremism was sowing terror among the population. The violence to which the populations of Bosnia and Herzegovina had been subjected had been partly motivated by a perverted conception of Christianity. The radical Jewish orthodox movement was behind the assassination of the Prime Minister of Israel. Extremists calling themselves Hindus had caused thousands of deaths in India. In Myanmar, where most citizens were Buddhists, all other religions were under threat. In Iran, religious extremism had produced grave discrimination against women, the religious activities of Christian minorities were severely curtailed and members of the Baha'i faith were systematically persecuted. In Saudi Arabia, autocracy and obscurantism reigned. In the circumstances, the international community must take urgent action to counter the growing forces of religious extremism.

57. Mr. AMOR (Special Rapporteur on religious intolerance) said that his concluding remarks would be both specific and general. The specific remarks concerned Egypt, Pakistan and Iran.

58. In the case of Egypt, the encouraging response by the Zeid authorities to his urgent appeal concerning the Nasser Abu Zeid affair had arrived too late for inclusion in his report. He welcomed the fact that, under the new Act No. 3 of 1996, only the Public Prosecutor could institute proceedings for the annulment of a marriage between a Muslim and a non-Muslim. That was a positive development but it needed further strengthening.

59. In the case of Pakistan, with its background of years of military dictatorship and the after-effects of the Afghan war, it was understandable that the current authorities took a cautious approach to granting greater freedom and tolerance. However, following his visit, a number of positive steps had been taken with regard to the Ahmadi community, whose status in terms of religious freedom was still very difficult. He had, however, taken note of the determination of the Pakistani authorities to pursue changes, gradually grant greater religious freedom and usher in a greater climate of tolerance.

60. In the case of Iran, he was determined to take all circumstances into account with respect to the exercise of religious freedom, but the current status of the Baha'i community was unacceptable. He had accordingly urged the Iranian authorities to change at least the de facto status of that community. In that regard, while he welcomed the fact that the death sentence imposed on a member of that community for apostasy had been overturned, he noted that there was to be a retrial and hoped that the new trial would take into account the need to protect the religious belief and freedom of the Baha'i community.

61. While both Protestant representatives and the authorities had stressed that the situation of Protestants in Iran had begun to improve since the murder of some pastors, there were still major problems which called for considerable vigilance. As far as the Zoroastrians, Jews, Assyro-Chaldeans and Armenians were concerned, it should be noted that many members of those communities had left Iran and that they were not proselytizing. The general situation of those communities was fairly satisfactory and their representatives had informed him that they did not wish it to be used for international political purposes.

62. The follow-up to his reports and recommendations was a vital and fundamental one, especially where allegations and urgent appeals were concerned. Thus far, 26 States had never responded to the communications he had addressed to them while some others had responded in an insulting way. The Commission should address that issue urgently. It might also wish to proclaim an international day for the freedom of religion and worship, which could help to promote the growth of a culture of tolerance.

63. In view of the poor material and financial support provided by Member States for his mandate, the Commission might wish to give serious consideration to the establishment of a trust fund to provide such financial and material support.

64. Lastly, he wished to stress that States should establish, without selectivity, minimum rules of conduct and behaviour with respect to problems of intolerance and extremism. A division of States into the monitoring and the monitored would not advance the idea of cooperation in the field of religion. The only way forward was through a non-selective dialogue.

65. Mr. de ICAZA (Mexico), speaking in exercise of the right to reply, said he had been surprised by the statement made by the representative of the Centre Europe - Tiers Monde concerning the situation in Chiapas. While it was perfectly understandable that facts should be subject to divergent interpretations, certain facts were eloquent in themselves.

66. In January 1994, an armed confrontation had taken place in four municipalities of Chiapas State. After 11 days of fighting, the Government had unilaterally declared a cease-fire and the confrontation had been replaced by negotiations that were still under way. Those negotiations had already yielded their first fruits with the conclusion of four agreements on indigenous rights and culture. Accusations of human rights violations connected with the confrontation were currently the subject of judicial investigation.

67. It was true that areas of backwardness, social injustice, poverty and marginalization existed in Mexico, a problem that must be rectified in conformity with the rule of law and through democratic channels. The very fact that the General Coordinator of the Governmental Delegation to the Dialogue for Peace in Chiapas had made a statement to the Commission (E/CN.4/1996/SR.14, paras. 37 to 50) attested to his Government's openness and willingness to cooperate with international institutions for the promotion of human rights.

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SEVENTH SESSION (agenda item 15) (E/CN.4/1996/2-E/CN.4/Sub.2/1995/51; E/CN.4/1996/79, 80 and Add.1 and 2; 81, 82, 85, 86 and 134; E/CN.4/1996/NGO/5, 13, 23 and 65; A/RES/50/157; A/50/369; E/CN.4/Sub.2/1995/22 and 28/Add.1; E/CN.4/Sub.2/1994/24; E/CN.4/Sub.2/AC.4/1995/7)

68. Mr. MAXIM (Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities), introducing his report on the work of the Sub-Commission's forty-seventh session (E/CN.4/1996/81), said that the Sub-Commission had made progress in its research into a number of topics. That progress was outlined in section I of the report, while sections II and III detailed the Sub-Commission's deliberations and decisions concerning its methods of work. The fact that 53 resolutions and decisions out of 59 had been adopted without a vote attested to the Sub-Commission's maturity, experience and sense of responsibility.

69. To ensure a proper follow-up to its efforts, the Sub-Commission deemed it essential that Governments should be involved in its work. It was therefore encouraging that a large number of government representatives and observers had followed with great attention the work of its forty-seventh session.

70. He thanked all those who had contributed to the successful outcome of the session and expressed his conviction that the Commission's consideration of its activities would give the Sub-Commission a strong impetus and encouragement for the future.

71. Mr. PITTS (United States of America) said that, despite its many accomplishments, the Sub-Commission stood in need of genuine reform. In the past, it had focused on a small number of well-prepared and valuable studies. Of late, however, it had begun to take on far too many studies, with an adverse effect on their quality, often in response to the personal interests of its members without regard to the most significant human rights issues. Moreover, the Sub-Commission had sometimes failed to respond to the Commission's guidance, particularly the request that it reconsider several of its studies that were outside its competence or that duplicated other efforts.

72. Most of the major human rights standards had already been set, and the major current task was to ensure that they were put into practice. The Sub-Commission needed to recognize that fact and to undertake a systematic review of new challenges to human rights. It could also play a new role by furnishing studies and research to assist the treaty bodies. The Sub-Commission should also consider adopting a formal mechanism to evaluate its activities. It could benefit greatly from using modern communications technology to enhance the expertise and output of its members.

73. Another key area requiring reform was the Sub-Commission's role in identifying large-scale and systematic human rights violations. While some benefits had been derived from the broadening of the Sub-Commission's mandate to include such violations, it should generally refrain from addressing country situations already on the agenda of the Commission or the General Assembly. Such a streamlined approach would preserve one of the most valuable aspects of the Sub-Commission's role - its ability to alert the Commission to new situations that required attention.

74. The Sub-Commission's strength resided in its independence and expertise: otherwise it was just a pale imitation of the Commission and of benefit to no one. The challenge, therefore, was to preserve that independence and expertise so that the Sub-Commission could build on its previous achievements and continue to make genuine contributions to the advancement of human rights throughout the world.

75. Mr. ARTUCCIO (International Commission of Jurists), referring to Sub-Commission resolution 1995/6, said that Colombia was undergoing a human rights crisis entailing a high level of violent crime and a high rate of impunity for such crime. The alleged perpetrators of political assassination were members of the security forces, paramilitary groups, guerrilla organizations and drug traffickers. The Government of Colombia had made no real effort to implement the recommendations of experts who had visited the country. As a result, the human rights situation had not improved. A monitoring mechanism in the form of a special rapporteur or an envoy from the Commission should be instituted.

76. His organization was equally concerned about the Peruvian amnesty law adopted in June 1995, which provided total amnesty for any member of the military, police forces or civil service who had committed a crime in connection with the campaign against terrorism. His delegation hoped that, in line with the statement of the Chairman of the Sub-Commission contained in paragraph 338 of the Sub-Commission's report (E/CN.4/1996/2-E/CN.4/Sub.2/1995/51), the Commission would appeal to the Peruvian authorities to declare that law null and void.

The meeting rose at 1 p.m.